



MEMO ENDORSED

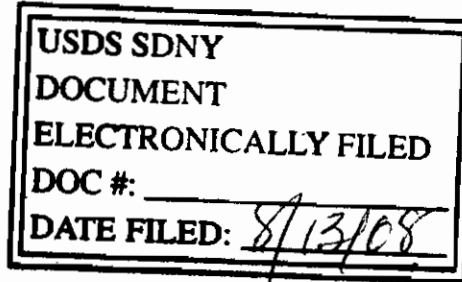
THE CITY OF NEW YORK  
LAW DEPARTMENT

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August 12, 2008



**BY FACSIMILE**

The Honorable James C. Francis IV  
United States Magistrate Judge, Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 1960  
New York, New York 10007-1312

Re: Concepcion v. City of New York, et al. 05-CV-8501 (RJS) (JCF)

Dear Judge Francis:

I write regarding the briefing schedule in the captioned action related to defendants' application concerning non-party witness depositions. At the August 8, 2008 RNC status conference it was agreed that the briefing on this issue would be consolidated in all RNC cases and all plaintiffs' opposition papers would be served and filed on September 5, 2008. Defendants replies would be served and filed 10 days thereafter, on September 15, 2008. Subsequent to the Court's entry of that schedule, I learned that Ms. Wohlforth, counsel in Concepcion, is out of the country and will not return to the United States until September 10, 2008. I was also advised that Ms. Stewart is no longer has co-counsel in this action and that Ms. Wohlforth will be unable to comply with the current consolidated briefing schedule.

Accordingly, I write at plaintiff's request to seek an enlarged briefing schedule to accommodate her absence.<sup>1</sup> Plaintiff requests permission to file and serve her opposition on September 15, 2008. Defendants do not oppose plaintiff's enlargement request. If the Court is inclined to grant plaintiff's enlargement request, defendants request that they still be allotted 10 days for their reply, which the Court granted them in the last status conference. Accordingly, defendants' reply would be due on September 25, 2008. Thank you for your time and attention.

8/13/08  
Application granted.  
SO ORDERED.  
James C. Francis IV  
USMJ

Respectfully submitted,

Jeffrey A. Dougherty  
Jeffrey A. Dougherty

cc: Karen D. Wohlforth, Esq. (by e-mail)

<sup>1</sup> A copy of a related e-mail correspondence between plaintiff's counsel and defense counsel is attached as Ex. A.

**From:** Leslie, Zelda & Karen Lewis, Stewart & Wohlforth [lewis\_stewart\_wohlforth@yahoo.com]  
**Sent:** Tuesday, August 12, 2008 5:44 AM  
**To:** Dougherty, Jeffrey  
**Subject:** Re: Ltr. Francis. schedule Non-party Apps. CONEPCION.DOC

Dear Jeff: I approve of the letter you drafted on my behalf, and accept your request for the 10 day time frame to reply.

Thank you for your courtesies.  
Karen Wohlforth

--- On Mon, 8/11/08, Dougherty, Jeffrey <jDougher@law.nyc.gov> wrote:

From: Dougherty, Jeffrey <jDougher@law.nyc.gov>  
Subject: Ltr. Francis. schedule. Non-party Apps. CONEPCION.DOC  
To: "Stewart, Zelda E." <lewis\_stewart\_wohlforth@yahoo.com>  
Date: Monday, August 11, 2008, 2:10 PM


Ms. Wohlforth -

Attached is a letter I drafted on your behalf and can send to the Court related to your absence and your request for an enlarged briefing schedule. Please review the letter and let me know if you approve it before I fax it on your behalf. You should note that pursuant to the current schedule defendants were actually granted 10 days to respond. I was advised of this fact after our last email communication. We will be requesting the same time frame for any reply submitted in connection with any enlargement granted in the Concepcion action.

After reviewing the letter please provide your response (approval, etc.) via e-mail. Thank you.

Jeffrey A. Dougherty, Esq.  
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 Please consider the environment before printing this e-mail

EX. A

8/12/2008  
Aug 12 2008 11:58am P003/003

Fax: